



Howrey Docket No. 06538.0018.NPUS00
Conexant Reference No. 99RSS305

2817/H
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10/31/02
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Philip H. Thompson

Application No.: 09/761,100

Filed: January 16, 2001

For: **DOHERTY POWER AMPLIFIER WITH
INTEGRATED QUARTER WAVE
TRANSFORMER/COMBINER
CIRCUIT**

Art Unit: 2817

Examiner: Steven J. Mottola

RECEIVED
OCT 11 2002

Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Summarized below is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. § 1.56, 1.97 and 1.98. This information is being submitted pursuant to 37 C.F.R. §1.97(c)(2).

Three prototype chips incorporating a Doherty amplifier system were shipped to a third party for testing more than one year prior to the application filing date of January 16, 2001. One of the prototypes was shipped on November 17, 1999. The other two prototype chips were shipped on November 22, 1999.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 2, 2002
Date of Deposit

Robin L. Clow
Name of Person Mailing Paper

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180.00 CH

B. Clow
Signature of Person Mailing Paper

Conexant Systems, Inc., the manufacturer of the prototypes, and the predecessor-in-interest of the current assignee of the application, received no payment for the shipments.

The shipments were made so that the third party, a manufacturer of wireless handsets, could perform bench testing of the chips and determine if field testing was warranted. In bench testing, the chips are tested on a laboratory bench to determine if their performance is sufficient to warrant field testing. In field testing, the chips are incorporated into wireless handsets and tested in the field.

The inventor, Philip H. Thompson, oversaw this effort, and frequently monitored the test results. When the test results indicated the performance of the prototype was insufficient to warrant field testing, he used the test results to re-design and ultimately perfect the design of the chip.


Applicant respectfully submits that these shipments fall squarely within the experimental use exception to the public use bar of 35 U.S.C. §102(b) based on the authority of TP Laboratories, Inc. v. Professional Positioners, Inc., 220 USPQ 577 (Fed. Cir. 1984) (copy attached). In that case, the Federal Circuit held that third party uses of an invention, occurring more than one year prior to the application filing date, and made for the purpose of testing and perfecting the invention, fall within the experimental use exception to the public use bar of 35 U.S.C. §102(b).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

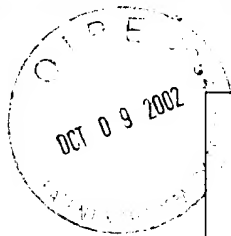
The U.S. Patent and Trademark Office is hereby authorized to charge the fee set forth in 37 C.F.R. §1.17(p), believed to be \$180.00, to Howrey Deposit Account No. 08-3038, referencing Howrey Docket No. 06538.0018.NPUS00.

Respectfully submitted,

Date: October 2, 2002


Robert C. Laurenson, Reg. No. 34,206

HOWREY SIMON ARNOLD & WHITE, LLP
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Menlo Park, CA 94025
FAX No. (650) 463-8400
Telephone No. (949) 759-5269



LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary) PTO FORM 1449	ATTY DOCKET NO 06538.0018.NPUS00	APPLICATION NO 09/761,100
	APPLICANT Philip H. Thompson	
	FILING DATE January 16, 2001	GROUP 2817

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.						
	2.						
	3.						
	4.						

FOREIGN PATENT DOCUMENTS								
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	5.							
	6.							
	7.							

OTHER REFERENCES		
(Including Author, Title, Date, Pertinent Pages, Etc.)		
	8.	Shipment of prototype chips referenced in attached Supplemental Information Disclosure Statement
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with **MPEP 609**; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



LIST OF REFERENCES CITED BY APPLICANT <i>(Use several sheets if necessary)</i> PTO FORM 1449	ATTY DOCKET NO	APPLICATION NO
	06538.0018.NPUS00	09/761,100
	APPLICANT	
	Philip H. Thompson	
	FILING DATE	GROUP
	January 16, 2001	2817

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